

## U.S. Fish and Wildlife Serv., Interior

## § 37.11

samples obtained during field operations.

(q) *Refuge* means the Arctic National Wildlife Refuge.

(r) *Regional Director* means the Regional Director, Region 7 of the U.S. Fish and Wildlife Service, or his authorized representative.

(s) *Rehabilitation* means the act of returning the landform and vegetation to as near its original shape and condition as practicable, as determined by the Regional Director.

(t) *Secretary* means the Secretary of the Interior or his authorized representative.

(u) *Service* means the U.S. Fish and Wildlife Service.

(v) *Solicitor* means the Solicitor of the Department of the Interior or his authorized representative.

(w) *Special use permit* means a revocable, nonpossessory privilege issued in writing by the Regional Director and authorizing the permittee to enter and use the refuge for a specified period to conduct exploratory activities, and other activities necessary thereto.

(x) *Support facilities* means facilities on or near the refuge used to provide logistical support for the field exploratory activities.

(y) *Third party* means any person other than a representative of the permittee or the United States government.

(z) *Waste* means all material for discard from exploratory activities. It includes, but is not limited to, human waste, trash, garbage, refuse, fuel drums, shot wire, survey stakes, explosives boxes, ashes, and functional and nonfunctional equipment.

(aa) *Wildlife* means fish or wildlife or both.

### § 37.3 Other applicable laws.

(a) Nothing in this part shall be construed to relieve a permittee or any person from complying with any applicable federal laws or any applicable state and local laws, the requirements of which are not inconsistent with this part.

(b) Until the litigation between the United States and the State of Alaska over title to the submerged lands of the coastal lagoons, “United States v. Alaska”, Sup. Ct., No. 84, Orig. (1979), is

resolved, the permittee shall satisfy both federal and state requirements for conducting oil and gas exploration in the coastal lagoons. In the event of an inconsistency between such requirements the permittee shall satisfy that requirement which provides the greatest environmental protection.

### § 37.4 Disclaimer and disqualification.

(a) Authorization granted under this part to conduct exploratory activities shall not confer a right to any discovered oil, gas, or other mineral in any manner.

(b) Any person who obtains access pursuant to § 37.54 to data and information obtained as a result of carrying out exploratory activities shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain. Any person who obtains access to data and information obtained as a result of carrying out exploratory activities from any person other than the permittee who obtained such data and information shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain.

## Subpart B—General Requirements

### § 37.11 General standards for exploratory activities.

(a) No exploratory activities shall be conducted without a special use permit. Requirements and procedures for obtaining a special use permit are prescribed in §§ 37.21 through 37.23.

(b) Exploratory activities shall be conducted so that they do not:

(1) Significantly adversely affect the refuge's wildlife, its habitat, or the environment;

(2) Unnecessarily duplicate exploratory activities of the permittee or another permittee; and

(3) Unreasonably or significantly interfere with another permittee's activities.

(c) Reexamination of an area may be permitted by the Regional Director if necessary to correct data deficiencies or to refine or improve data or information already gathered.

(d) Drilling of exploratory wells is prohibited.